

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ARNOLD JUSTICE,

Plaintiff,

No. CIV S-04-0684 GEB EFB P

vs.

JAN SCULLY, et al.,

Defendants.

ORDER

Plaintiff is a prisoner without counsel seeking relief for civil rights violations. *See* 42 U.S.C. § 1983. On May 31, 2006, plaintiff requested that default be entered with respect to defendants Rall and Wagg and that a default judgment be entered. On July 28, 2006, the Clerk of the Court entered the default of these defendants. However, defendants moved to set aside their defaults and on September 15, 2006, the court granted their motion. The clerk's entry of default having been set aside, there is no basis for granting plaintiff's motion for default judgment.

Accordingly, it is ORDERED that Plaintiff's May 31, 2006, motion for default judgment is denied.

Dated: December 19, 2006.


EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE